

REMARKS

Receipt of the Office Action dated February 9, 2005 is acknowledged. Claims 4, 6, and 9 have been amended herein. Claims 4-9 are pending. Reconsideration is requested based on the following remarks.

I. Drawings

Drawing figures 1 and 9 have been objected to for numeral 27. Also, figures 1, 2, 4 and 9 are allegedly not properly labeled. Corrected drawing sheets are submitted herewith for the Examiner's consideration.

II. Specification

The PTO has requested a substitute specification to correct the idiomatic English. A substitute specification is submitted herewith. No new matter has been added.

III. Claim Objections

Claims 4-9 have been objected to for a variety of formalities. Firstly, claim 1 has been amended herein to recite that the device includes a step of acquiring data. Support for the present amendment can be found in the specification at, for example, page 21, lines 5-9, and step 52 of Fig. 7.

The term "radiation detect signal detected" has been amended herein to recite "radiation signal detected." Withdrawal of this objection is solicited.

With respect to the term "unbreathed state" and "breathed state", as set forth in the instant specification, the "unbreathed state" represents a state at which the breathing is stopped, so that inner organ of human body does not move due to the

breathing. Correspondingly, the "breathed state" represents a state at which the breathing is continued, so that the inner organ of the human body moves due to the breathing. (See page 10, lines 23 to page 11, line 1; and page 15, line 24 to page 16, line 1). Accordingly, this objection should be withdrawn.

As to the wording "correction information of a tomogram," this term refers to the positional relationships of an image which are used to correct blurred tomogram. (See page 23, lines 18-20). Withdrawal of this objection is respectfully requested.

With respect to the objection to claim 7, the support of using the same source to provide the first and second tomograms is shown at page 32, lines 4-8. In the embodiment, the examining apparatus 1A is used in the unbreathed state and breathed state. Withdrawal of this objection is solicited. Claims 6 and 9 have been amended to overcome the objections in the Office Action. It should be understood that the amendments herein have not been made to narrow the scope of the instant claims

IV. Double Patenting

There is also a provisional rejection of claims 4-9 under the judicially created doctrine of obviousness-type double patenting over claims 1-3 and 10-14 of co-pending application no. 10/253,489. Reconsideration of the provisional rejection in light of the foregoing amendment to independent claim 4 is respectfully requested. Further, the applicants reserve the right to file a Terminal Disclaimer upon indication of allowable subject matter in this or co-pending application no. 10/253,489.

V. Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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